
Supplement and Amendments to the Labor Code of the RA (hereinafter “the Code”) (the RA Law № HO-236-N, adopted on 29 April 2020, hereinafter the “the Law”)

Supplement Article 33.1 of the Code as follows (this Article comes into force on the day after its official publication and is valid until 1 July 2021)

Article 33.1 State control over labor legislation in the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or elimination of their consequences

- At the time of natural disasters, technological accidents, epidemics, accidents, fires and other circumstances of extraordinary nature or elimination of their consequences on the written request of an employee the authorized inspection body implements the state supervision over the implementation by employers of the labour legislation, other regulatory legal acts containing norms of labour law, collective and labour agreements and in cases stipulated by law may apply liability measures.

Article 106 part 1 of the Code restate as follows

Article 106 part 1

- The employer, on the basis of individual legal act, has the right to *transfer employee to* another work not stipulated by labour agreement and (or) change for the same period, for a period of one month the conditions established by paragraphs 4, 6 and 11 of part 1 of article 84 of the Code due to natural disasters, technological accidents, epidemics, accidents, fires and other circumstances having an extraordinary nature for the purposes of prevention or immediate elimination of their consequences.

Supplement Article 106.1 of the Code as follows

Article 106.1 *Temporary performance of work duties remotely during the prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or immediate elimination of their consequences*

1. Remote work is the work performed outside of the workplace during the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or immediate elimination of their consequences, in the event that in connection with these cases it is impossible to ensure the performance of work at the workplace.
2. In the cases stipulated by part 1 of Article 106.1 of the Code, remote work within the meaning of part 1 of Article 105 of the Code is not considered a change in

the place of work or change of other essential conditions of work.

3. In the cases established by part 1 of Article 106.1 of the Code, if it is impossible to continue the work provided for in the labour agreement, including remotely, then if there is an unused annual leave, the employer shall grant the employee an annual leave at the request of the employee.

**Supplement Article 114 part 1
with points 5 and 6 of the Code
as follows**

Article 114, part 1, point 5

- During the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergencies, or immediate elimination of their consequences, if the employee fails to show up to work in connection with these cases.

Article 114, part 1, point 6

- During the period of unplanned rescheduling or unplanned vacation provided for educational (including pre-school) institutions, if the employee fails to show up to work for the purpose of organising care for a child under the age of twelve years.

**Supplement to Article 146 part 1
of the Code**

Article 146, part 1

- The overtime work upon the request of the employer should not exceed 4 hours during two consecutive days and 180 hours per year, **except for the cases specified in part 1 of point 1 of Article 145 of the Code, in the presence of which overtime work for two consecutive days should not exceed 8 hours, in which the maximum duration of daily and weekly working hours established by part 3 of Article 139 of the Code must be kept.**

**Supplements and Amendments
to Article 186 of the Code
(amendments to part 1 of this
Article shall enter into force on
the day after official publication
and shall apply to relations that
arose after 16 March 2020)**

Article 186, part 1

- Where during the period of idleness not due to the fault of the employee, the employee is not offered another job that complies with his/her profession, qualification and that he/she could have performed without causing harm to his/her health, the employee shall be paid **at least** two-thirds of his/her average hourly salary prior to idleness for every hour of idleness, but not less than the minimum hourly rate established by legislation.

Article 186, part 6

- The employee **may not be paid** for idleness for reasons considered as force majeure in the manner prescribed by the legislation of the Republic of Armenia as well as for idleness due to the fault of the employee.

Article 186, part 7

- Supplement part 7 as follows: "Temporary restriction of the rights and freedom of individuals and legal

entities during the prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergencies or immediate elimination of their consequences, in which it is impossible to perform work duties, including remotely, is considered a force majeure established by part 6 of Article 186 of the Code.”

Supplement Article 187.1 of the Code as follows *Article 187.1 Payment for work in special cases*

1. If during the period of prevention of natural disasters, technological accidents, epidemics, accidents, fires and other emergencies, or in connection with these cases of immediate elimination of their consequences, the employee fails to appear to work or appears not for full-time working day, the work is paid at least in accordance with the actual time worked or actual work performed.
2. If an employee appears for part-time work in order to take care of a child under the age of twelve years during an unplanned rescheduling or unplanned vacation provided for educational (including pre-school) institutions, the employee's salary is fully preserved if the employee was absent for up to two hours during the working day, as well as in case of absence from work during the entire working day the work is paid at least in accordance with the actual time worked or actual work performed.
3. The employee's salary is fully preserved in the cases stipulated by part 1 of Article 106.1 of the Code.

Restate Article 220 of the Code as follows *Article 220. Violation of workplace discipline*

1. Lack of performance of work duties or improper performance of such duties due to the fault of the employee shall be deemed as violation of workplace discipline.
2. Violation of workplace discipline is not considered:
 - 1) the employee's failure to appear at work in connection with these cases during the prevention of natural disasters, technological accidents, epidemics, accidents, fires and other cases of an emergency nature, or the immediate elimination of their consequences, or to appear at work on a part - time basis due to these cases;
 - 2) failure of the employee to appear at work for the purpose of providing care for a child under the age of twelve during an unplanned rescheduling or unplanned vacation provided for educational (including pre-school) institutions, or to appear at work on a part - time basis.

The Law enters into force

The Law enters into force on the day after its official publication (with the exception of the abovementioned cases).



Let's talk

For a deeper discussion of how this issue might affect your business, please contact us at PwC Armenia

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